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17 April 2000

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 4

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Letter dated 13 April 2000 from the Permanent Mission of the Sudan to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

Upon instructions from my Government, I have the honour to request you to circulate the enclosed memo* as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 4.

(Signed) Ibrahim Mirghani IBRAHIM
Ambassador
Permanent Representative

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* The annex is reproduced as received, in the language of submission only.

Annex

The Government would like to state the following: -

1. We have carefully studied the report of the High Commissioner for Human Rights contained in document No. E/CN.4/2000/12 dated 28th December 1999. We were perplexed at the conclusions reached in Paragraph 59 of that report in which it was stated, and I quote (one example of a country where traditional slavery persists in Sudan). End of quote. We deeply regret such reference.

2. We categorically reject this conclusion which, we believe, is premature, imprecise and incriminating. We are convinced that such a conclusion is based on wild and unsubstantiated allegations by some motivated circles whose only aim is to tarnish the image of my country and to benefit from unlawful enrichment through donations. It is indeed unfortunate that this reference is a mere repetition of similar allegations leveled against Sudan in the last few years by a particular NGO whose status with ECOSOC was withdrawn last year. This reference in the report of the High Commissioner is contrary to the decision taken by this august body in its 55th session that viewed the case in Sudan as abduction, and not SLAVERY as referred to in the report.

3. We would have expected the esteemed High Commissioner to, at least, recognize the genuine efforts and the positive measures taken so far by my government to address the problem of abductions instead of jumping to such serious conclusions on such a sensitive issue.

4. The cases of abduction which my country had already recognized are part of the negative outcome of the ongoing civil war. They take place in areas under the control of the rebel movement. The government is currently engaged with the UNICEF and the European Union and some international NGOs to address this issue with a view to bringing an end to this phenomenon of abductions.

5. In recognition of the efforts undertaken by the Sudanese Government, the European Union's office in Khartoum issued on February 10th 2000 a press release on the assistance extended to the Sudanese Committee for the Eradication of Abduction of Women and Children (CEAWC) in that release the European Union state and I quote "Giving financial support to CEAWC constitute for the European Union a concrete way of encouraging positive actions undertaken by the Government of the Sudan towards the eradication of abduction''. It also recognized that I quote "Issues of abduction are mostly related to conflict the Southern Sudan" end of quote. The Government of Canada is equally extending financial assistance to the same cause.

6. The Sudan has shown seriousness to co-operate fully with the office of the High Commissioner for Human Rights. I am afraid that such a reference in the report will not serve such a goal. On the contrary it may have a serious detrimental effect.

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 15 April 2000 from the Charge d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Terror against and harassment of Serbs and other non-Albanian population in the Serbian province of Kosovo and Metohija are continuing unabated. On the one hand, they are perpetrated by terrorists of the so-called KLA and on the other by KFOR, UNMIK and Bernard Kouchner.

As you are aware, 43 Serbs, arrested by KFOR and UNMIK on the basis of unfounded and arbitrary accusations by Albanian terrorists of the so-called KLA, have been kept in the district prison in Kosovska Mitrovica for almost 10 months. KFOR, UNMIK and Bernard Kouchner have done nothing in these past 10 months towards organizing the necessary judicial procedure (investigative actions, trials, etc.). At the same time, KFOR, UNMIK and B. Kouchner have ordered the district court in Kosovska Mitrovica to release from prison Ademi Djeljaj, who, on 7 March 2000, threw two hand grenades on residents of the northern part of Kosovska Mitrovica and French soldiers of KFOR, whereby 14 French soldiers and 22 Serbs were wounded. Due to such an attitude and the permanent harassment of Serbs by KFOR, UNMIK and Bernard Kouchner, 37 Serbs detained in the district prison of Kosovska Mitrovica went on a hunger strike on 10 April 2000. These Serbs demand from KFOR, UNMIK and B. Kouchner that legal, fair and unbiased trials be organized without delay or that they be immediately released. The dragging out of organizing a trial of the Serbs, detained arbitrarily and with no evidence in the district prison in Kosovska Mitrovica, has solely political reasons, so that the detained Serbs, by means of a known media campaign, based on lies, are pictured as criminals.

Detaining 43 Serbs in the district prison in Kosovska Mitrovica for 10 months, without undertaking any judicial procedure, represents a flagrant violation of the basic human rights, a serious breach of the court proceedings, discrimination on the grounds of nationality and a flagrant violation of Security Council resolution 1244 (1999).

Excellency,

Such a flagrant violation of the basic human rights of Serbs detained in the district prison in Kosovska Mitrovica requires your most urgent and energetic action so that an end may be put immediately to this flagrant violation of human rights. At the same time, the Government of the FR of Yugoslavia experts that you will take without delay all necessary steps within the Security Council, and with KFOR, UNMIK and B. Kouchner, so that the terror against and harassment of Serbs and other non-Albanian population in the Serbian province of Kosovo and Metohija is stopped at once, both by terrorists of the so-called KLA and by KFOR, UNMIK and Bernard Kouchner.

We are enclosing herewith a list with names of 33 persons, detained in the district prison in Kosovska Mitrovica, who are among the 37 mentioned above who went on hunger strike due to the unacceptable attitude of KFOR, UNMIK and B. Kouchner.

I would like to ask you to have this letter and enclosed list published as an official document of the Commission on Human Rights under agenda item 9.

(Signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

Annex

LIST
With names of persons detained in the district prison in Kosovska Mitrovica
who went on a hunger strike

1. Kolasinac Andjelko
2. Simic Vekoslav
3. Levic Stanislav
4. Matic Nenad
5. Misic Bogoljub
6. Jovanovic Cedomir
7. Jovanovic Stojan
8. Kratic Novica
9. Misic Danilo
10. Micic Dejan
11. Vitosevic Arsenije
12. Djinovic Miodrag
13. Misic Radislav
14. Matic Sava
15. Jovanovic Dragan
16. Aleksic Vladimir
17. Aleksic Srdjan
18. Vuckovic Tomislav
19. Vucetic Vladan
20. Oligorovski Lazar
21. Vuckovic Miroslav
22. Mutavdzic Nebojsa
23. Popovic Branislav
24. Simic Igor
25. Simic Zverdan
26. Apostolovic Radovan
27. Radulovic Nenad
28. Pelca Dragisa
29. Stanojevic Zoran
30. Joksimovic Slobodan
31. Mladenovic Ljubisa
32. Stolic Ljubomir
33. Skulic Milos

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 17 April 2000 from the Charge d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit, enclosed herewith,* the following Comments on the draft resolution on "The situation of human rights in the Federal Republic of Yugoslavia, Republic of Croatia and Bosnia and Herzegovina" circulated at the fifty-sixth session of the Commission on Human Rights, and the amendments to "The draft resolution on the situation of human rights in the Federal Republic of Yugoslavia, Republic of Croatia and Bosnia and Herzegovina"

I would like to ask you to have them published as official documents of the fifty-sixth session of the Commission on Human Rights under agenda item 9

(Signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

* The annex is reproduced as received, in English only

Annex

C O M M E N T S
on the draft resolution on "The situation of human rights in the FR of Yugoslavia, Republic of Croatia and Bosnia and Herzegovina" circulated at the 56th session of the UN Commission on Human Rights

- The entire text of the draft resolution should be rejected for its highly politicized contents and for the absence of any reference to the real human rights problems in the Kosovo and Metohija province in the period under consideration.

The USA as the leading country of the NATO Alliance, having committed an aggression and having violated the UN Charter, has no moral right to continue any action concerning human rights within the United Nations Organization.

Such a text serves the purposes of the USA and other sponsors to pardon themselves from the responsibility for massive and grave violations of human rights against helpless civilian population of the FRY during 78 days of carnage committed by NATO.

The USA having violated the Statute of the NATO by making aggression on the country which is not its member, as well as the Charter of the United Nations by bypassing the authority of the Security Council, has no right to teach a lesson to any country of how to respect its own constitution (the OP 18f). The draft resolution shows neither respect for the constitutional name nor for the territorial integrity of the FRY and the Republic of Serbia as evidenced in its title and a separate subtitle III on the Serbian province of Kosovo and Metohija).

- Member countries of the Commission on Human Rights are called upon to reject energetically the continued efforts of the US Administration to grant legitimacy by such resolutions to its unacceptable idea of having the right to choose governments of sovereign States and peoples(operative paragraph 14), requesting simultaneously in the same resolution the respect of democratic freedoms for the peoples of those States (operative paragraph 18b), including free elections (more frequent in the FRY in the course of the last ten years than in the United States itself).

- Member countries of the Commission are called on not to accept the sponsor's hypocrisy of invoking on the one hand the respect of the rule of law (operative paragraph 18b) while denying on the other hand the laws and legitimate decisions of the sovereign Yugoslavia when they do not fit into the US concepts and interests(OP 18d).

- The criticism of the alleged violations of the rights of ethnic minorities in the Republic of Serbia (paragraph 18e) should be rejected as untrue and therefore unjustified and politically motivated.

- With regard to the references to the International Criminal Tribunal (operative paragraphs 3e, 14-16 and Chapter VI),it is important to be reiterated that the Government of the FRY does not recognize the jurisdiction on its territory of that body.

The method of listing the names of individuals allegedly persecuted in the FR of Yugoslavia for "verbal crimes" (operative paragraphs 10 and 11) should also be rejected as biased. By such methods, the sponsor tries to conceal the real problems from the Commission members, most of whom have no opportunity to verify the

allegations or judge their merit in the light of the complexity of the overall situation. At the same time, there is no reference to massive and grave violations of human rights in the Kosovo and Metohija province committed since the deployment of the KFOR and UNMIK in June 1999(e.g. 933 killed and 860 missing).

- The operative paragraph 12 should be rejected since there is no basis for any negative allegation in relation to the status of ethnic minorities, least of all that it has worsened during the last year. In addition, there is no basis in the latest reports of the Special Rapporteur for such an allegation.

- Treating Serbs in the Serbian province of Kosovo and Metohija as a "minority group" (OP 24)is unconstitutional and therefore unacceptable. The FR of Yugoslavia will not allow that any remaining Serb and Montenegrin living in the territory of the FR of Yugoslavia and the Republic of Serbia be qualified as a member of ethnic or any other minority group. At the same time, the FR of Yugoslavia and the Republic of Serbia remain devoted to the respect of human rights of minorities on its territory, in accordance with the international standards and undertaken obligations.

- A separate subtitle III on Kosovo should be deleted and relevant paragraphs placed under the appropriate chapter on FRY.

It is also necessary to delete operative paragraph 23 which stands as a relic of the times when USA and NATO used the Commission on Human Rights and the United Nations in general for clearing the way for the upcoming aggression against the FR of Yugoslavia. This paragraph in no way reflects the situation on the ground between the two sessions of the Commission.

- With regard to the situation in Kosovo and Metohija, the Draft must be fully and consistently modified to the effect that it contains condemnation of grave and massive violations of human rights of Serbs, Montenegrins and other non-Albanian population committed since 12 June 1999. The member countries of the Commission should not allow the isolated, incomplete and unconvincing operative paragraph 24 to smoke-screen the fact that 350 000 non-Albanians have been driven out of Kosovo and Metohija during the last nine months of the "administration" of the United Nations in this Serbian province, as well as the fact that 860 people have been missing or abducted and that 933 people have been killed, while 250 000 foreigners were illegally admitted across the Yugoslav borders with Albania and FYRM. Among them there are bandits, smugglers, looters and killers. In that period 4,481 terrorists attacks were committed. Albanian terrorists have established and run the camps in the territory of Kosovo and Metohija. They have destroyed 50000 houses. Entire residential areas have been burnt down. The Serbian population has been completely ethnically cleansed in many regions of the Province. Private and State-run property has been looted, while the value of this property remains to be estimated. The cultural heritage of the Serbian people has been savagely destroyed. Priests were killed and nuns raped. 85 Orthodox monasteries and churches have been demolished or seriously damaged. 865 persons have been wounded. There is no source of information for the Serbs in the Province since all media outlets in their mother tongue have been closed and the property of these media outlets looted.

The mentioned examples cover the period between 12 June 1999 and 11 March 2000, i.e. as of the deployment of KFOR and UNMIK forces in the Province allegedly aimed at ending the violation of human rights by the Yugoslav authorities, establishing peace and order in Kosovo and Metohija and transforming the Province into a multi-ethnic, multi-confessional and multi-cultural region.

- Psychiatrists and medicals have already given their opinion about the immediate and long-term consequences of such a situation on the mental health of the displaced Serbs and others from Kosovo and Metohija, as well as of the Serbs remaining in the Province. They have also given their opinion about the consequences of the aggression on the entire traumatized population of the FR of Yugoslavia. They have spoken also about the effects on health of the use of the depleted uranium ammunition and the chemical weapons during the aggression against the FR of Yugoslavia.

On the basis of the above mentioned reasons, the operative paragraphs of this draft Resolution referring to Kosovo and Metohija and the FR of Yugoslavia must be completely modified and significantly amended in order to fully reflect the grave situation prevailing on the ground in the period under consideration.

- For the first time since the establishment of the institution of the Special Rapporteur for the Former Yugoslavia, the USA and some of its allies try to pave the way for the exemption of Croatia from the Special Rapporteur's mandate as of next year (operative paragraph 7). There is no ground for exempting Croatia from the mandate of the Special Rapporteur only on the basis of the fact that the current regime in Croatia is more to the liking of some of the sponsors than the previous one. It must remain under his mandate as long as satisfactory results are achieved in the field of human rights, including the return to Croatia of all refugees expelled from that country in the course of ethnic cleansing campaign, who are currently refuged in the FRY. In addition, the full and lasting conditions for their normal life and existence should be created by the newly elected Croatian Government. The mandate of the Special Rapporteur of the Commission for Human Rights for the situation of the human rights in Bosnia and Herzegovina, Croatia and the FR of Yugoslavia can and should be terminated when the time comes. It must not be narrowed under the influence of the political will of some countries. Moreover, the intention to exempt Croatia runs counter even to the concerns raised by the sponsor in the OP 3(f) of the Draft.

Amendments on "The draft resolution on the situation of human rights in the FRY, Republic of Croatia and BiH"

1. Change the title of the resolution into "Situation of human rights in BiH, the Republic of Croatia, and the FR of Yugoslavia" in order to bring it in line with the mandate of the Special Rapporteur as well as with the resolution of the 54th GA session on the same subject.

PREAMBLE:

2. Add new preamble paragraphs as follows:

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments, including those in the field of human rights,

Gravely disturbed by the unprecedented and systematic campaign of terror, intimidation and ethnic cleansing of Serbs, Montenegrins and other non-Albanian population which is under way in Kosovo and Metohija province in the presence of the United Nations, after the deployment of KFOR and UNMIK,

Deeply concerned at the unabated violation of the rights of Serbs, Montenegrins and other non-Albanian population to life, housing, employment, freedom of movement, education and information at one's mother tongue, religion, fair trial, occurring on a daily basis in Kosovo and Metohija province,

Noting with grave concern the decisions and regulations of the UN Secretary-General Special Representative in Kosovo and Metohija province that run contrary to the Security Council resolution 1244 (1999),

Reaffirming the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, as affirmed in the Vienna Declaration and Program of Action, adopted by the World Conference on Human Rights on 25 June 1993, (GA resolution 54/174),

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections, and that the electoral assistance to Member States should be provided by the United Nations at the request of interested States, (GA resolution 54/168),

Bearing in mind that the Federal Republic of Yugoslavia has been affected by the problems caused by refugee flows from Croatia and BIH and has a large number of internally displaced persons from the Kosovo and Metohija province, (modified pre. p. of GA resolution 54/96).

2. PP 3. - Delete "taking fully into account all relevant Security Council resolutions, and noting in particular UNSCR 1244 ,(GA 54/184)".

3. PP 3. - After "reaffirming" add " the sovereignty and".

OPERATIVE PART

4. Delete OP 2.

5. In OP 6. replace "deteriorating human rights situation of persons in the FR of Yugoslavia (Serbia and Montenegro)" by "situation of all refugees and displaced persons in the three countries of his mandate".

6. Delete OP 7.

7. In OP 9. replace "caused by the repressive policies and measures of the authorities of the Federal Republic of Yugoslavia and of Serbia" by "internal and external factors".

8. Delete OP 11. through 14.

9. In OP 18. replace " calls on" by "invites".

10. In OP 18(a) delete " Comply fully with its obligation".

11. Delete OP 18. (c) and OP 18. (d).

12. Delete the separate subtitle "III Kosovo" and renumber accordingly the remaining subtitles.

13. In OP 18. (e) replace the word "respect " by " keep under continued scrutiny the realization of".

14. In OP 18. (g) replace "Provide a full accounting for and protect the humanitarian and legal rights of the thousands of" by "Continue to provide information and allow the access of the concerned organizations and representatives to".

15. In OP 20. replace "Calls upon the authorities of the FRY as well as the UNMIK, KFOR and Kosovo Albanian representatives" by "Calls upon the UNMIK, KFOR, and Kosovo Albanian representatives, as well as the authorities of the FRY".

16. Add a new OP:

"Calls for immediate lifting of all collective and bilateral sanctions imposed upon the FR of Yugoslavia which represent a gross violation of human rights and cause massive human suffering of the entire population of the country, especially the vulnerable groups such as children, women, elderly and disabled";

17. In OP 21. replace "build a civil society and achieve" by " further promote".

18. Add a new OP:

"Reaffirms that any activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes or that are intended to sway the results of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, (GA resolution 54/168);".

19. Replace OP 22. by:

"Expresses grave concern about the situation of 350 000 persons from Kosovo and Metohija province displaced since June 1999, mostly Serbs, Montenegrins and Roma".

20. Replace OP 23. by the following 3 new paragraphs:

"Expresses deep concern at the gravity and persistence of the massive violations of human rights in the Kosovo and Metohija province committed since the deployment of KFOR and UNMIK;",

" Notes with concern the figure of 350.000 IDP from Kosovo and Metohija in other parts of Serbia and close to three thousand executed, wounded and abducted persons, mostly Serbs, Montenegrins as well as Roma and other non-Albanians from the Province;",

"Urges the international security and civilian presence to create conditions for the safe return of all IDP from Kosovo and Metohija province at the earliest possible time and in a safe environment;".

21. In OP 24. replace "all ethnic groups" by "Albanian ethnic group" and delete the end of the paragraph reading "belonging to minority groups".

22. In OP 25. replace "by all parties" by "against the remaining Serbian population".

23. Add a new OP:

"Expresses grave concern at the systematic attacks upon religious places, sites and shrines of Serbs in the province and calls for the utmost efforts aimed at ensuring that remaining religious places, sites and shrines are fully respected and protected (GA resolution 54/159) by KFOR and UNMIK";

24. Merge OP 28. and OP 29. in order to read:

"Stresses the importance of the return to their homes of refugees and displaced persons in safety and dignity as a prerequisite for the enjoyment of all human rights and freedoms".

25. In OP 31. replace " welcomes" by "takes note".

26. Delete OP 32.

27. In OP 34. delete "to sustain this progress and".

28. In OP 34.(a) replace "Facilitating and encouraging " by "Enabling".

29. In OP 41. replace " Calls upon" by " Invites" and delete "especially the Government of the FRY to meet their obligations".

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

Letter dated 18 April 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

Despite evident facts, which the Government of the Federal Republic of Yugoslavia has been permanently pointing out and which are known to you as well as to the world public, terror, violence, murders and other crimes against Serbs and the other non-Albanian population in the Serbian province of Kosovo and Metohija continue unabated.

The latest example testifying to the terror and violence perpetrated by terrorists of the so-called KLA against Serbs in Kosovo and Metohija happened on 15 April 2000. On that day, terrorists of the so-called KLA set fire to and flattened with bulldozers 250 houses in the Serb village of Bijelo Polje near Pec. By this act, terrorists want to prevent the return of Serbs to their homes that they had to flee in June last year. Serbs from the village of Bijelo Polje have been expelled despite the deployment of KFOR and UNMIK in Kosovo and Metohija.

Before they set fire to and flattened the Serb houses, Albanian terrorists looted them and took away the looted goods in 15 trucks. The burning and tearing down of Serb houses in the village of Bijelo Polje near Pec was done before the eyes of KFOR and UNMIK. KFOR, UNMIK and B. Kouchner have thus shown once again that they are not ready to fulfil their key obligations - to provide security to all citizens of Kosovo and Metohija and to protect their property. By turning a blind eye to this latest in the series of crimes, KFOR, UNMIK and B. Kouchner have once again grossly violated United Nations Security Council resolution 1244 (1999).

This crime carried out against Serbs in the Serb village of Bijelo Polje is yet more evidence that United Nations Security Council resolution 1244 (1999) is not being implemented. The non-implementation of resolution 1244 (1999) hinders the return of expelled Serbs and the other non-Albanian population to Kosovo and Metohija, which is the main obligation of KFOR, UNMIK and B. Kouchner.

The Government of the Federal Republic of Yugoslavia expects that you will take without delay all necessary steps within the Security Council, and with KFOR, UNMIK and B. Kouchner so that the terror against and harassment of Serbs and the other non-Albanian population in the Serbian province in Kosovo and Metohija be stopped at once, both by terrorists of the so-called KLA and by KFOR, UNMIK and Bernard Kouchner.

I would like to ask you to have this letter circulated as an official document of the Commission on Human Rights under agenda item 9.

(Signed) Branko BRANKOVIC
Ambassador
Chargé d'affaires a.i.

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 9

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 22 April 2000 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour and pleasure of enclosing herewith* my letter dated 22 April 2000 that I have sent to Mrs. Mary Robinson, United Nations High Commissioner for Human Rights, concerning the dramatic situation of Serbs detained in the prison in Kosovska Mitrovica, which constitutes a flagrant violation of human rights.

I would ask you to have this letter circulated as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 9.

(Signed) Branko BRANKOVICH
Ambassador
Chargé d'affaires a.i.

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* The annex is reproduced as received, in English only.

Annex

Excellency,

We have informed you by our letter No. 380 dated 15 April 2000 that 43 Serbs are being kept in custody for more than ten months in the district prison in Kosovska Mitrovica without a legal procedure being organised. You were also informed that due to that fact the majority of the detained Serbs went on a hunger strike. We kindly asked you to take action most urgently, in your capacity as UN High Commissioner for Human Rights, to the effect of their release or for the setting up of legal proceedings.

Unfortunately, you did not respond positively to our request by taking an action.

The health situation of the Serbs detained in the prison in Kosovska Mitrovica has worsened. The consilium team of doctors from Belgrade and from the Pristina University consider that the health of the detained Serbs is worsening on a daily basis.

Bernard Kouchner is keeping in custody for over ten months these Serbs in the district prison in Kosovska Mitrovica on the basis of unfounded accusations by terrorists of the so-called KLA and for purely political reasons. On the other hand, he finds it appropriate to publicly request the release of terrorists of the so-called KLA who are in prisons in the Federal Republic of Yugoslavia and who were convicted for crimes they had perpetrated. Such an action on the part of B. Kouchner constitutes a form of racism. This is an attitude Bernard Kouchner has had ever since he became Head of UNMIK and which is aimed at fully implementing the policy of a new fascism conducted by the American administration.

The Government of the FR of Yugoslavia considers that it is your duty, Madam Robinson, as UN High Commissioner for Human Rights, to undertake most urgently your utmost so that be stopped violations of human rights of Serbs in the prison in Kosovska Mitrovica carried out by the UN mission (KFOR, UNMIK and B. Kouchner).

In the case of the violations of human rights of the Serbs detained in this prison in Kosovska Mitrovica, you, Madam Robinson, are passing the most serious test as UN High Commissioner for Human Rights. Should you fail to act effectively and should the violations of human rights of Serbs in the prison in Kosovska Mitrovica continue on the part of the UN mission, the entire UN system of human rights that you represent will suffer serious negative consequences.

Her Excellency
Mrs. Mary ROBINSON
UN High Commissioner for Human Rights
Geneva

Excellency,

The Government of the FR of Yugoslavia demands that you most urgently take action with the UN mission in Kosovo and Metohija so that be put an end to violations of human rights of Serbs in the prison in Kosovska Mitrovica. To continue to keep them in custody as B. Kouchner now does, can have tragic consequences.

In expectation of your prompt action, please accept, Excellency, the assurances of my highest consideration.

Branko Brankovic
Ambassador
Chargé d'affaires a.i

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 11 (g)

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:

CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Letter dated 20 April 2000* from the Permanent Representative of Singapore to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

On behalf of the co-signatories, I herewith transmit a joint letter on the question of conscientious objection to military service.

We would request that this joint letter be circulated as a document of the fifty-sixth session of the Commission on Human Rights, under agenda item 11 (g).

(Signed) Chak Mun SEE
Ambassador
Permanent Representative

* The annex is reproduced as received, in the language of submission only.

GE.00-13561 (E)

PERMANENT REPRESENTATIVE
OF THE REPUBLIC OF SINGAPORE
TO THE UNITED NATIONS
Tel: (4122)929 6644
Fax: (4122) 929 6658

Annex

20 April, 2000

HE Amb Shambhu Ram Simkhada
Chairman, 56th Session
Commission on Human Rights

Dear Amb Simkhada

QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE (Item 11g)

1 The delegations represented below would like to refer to the draft resolution submitted by Finland regarding conscientious objection to military service under item 11 (g) contained in document E/CN.4/2000/L.43 which was adopted by the 56th Session on 20 April, 2000.

2 National defence is a fundamental sovereign right under international law. Where individual beliefs or actions run counter to such a right, the right of a state to preserve national security must prevail. Article 29 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights recognise that the exercise of the rights and freedom of the individual is subject to the necessity of ensuring public order and the general welfare of the society.

3 Where a state has established a compulsory military service system under which every citizen is legally required to serve, allowing individuals to be excused from military service would compromise the concept of collective responsibility for national defence, undermine national values and breach the principle of equal application of the law.

4 For the above reasons, we do not recognise the universal applicability of conscientious objection to military service, and therefore dissociate ourselves from the Finnish resolution.

5 We would request that this letter be circulated as an official document of the 56th session of the Commission on Human Rights.

Yours sincerely

(List of co-signatories attached)

List of co-signatories: Joint Statement on Conscientious Objection to Military Service

1. People's Republic of China
2. Arab Republic of Egypt
3. State of Eritrea
4. Islamic Republic of Iran
5. Republic of Iraq
6. Republic of Lebanon
7. Union of Myanmar
8. Republic of Singapore
9. Republic of the Sudan
10. Syrian Arab Republic
11. United Republic of Tanzania
12. Thailand
13. Socialist Republic of Vietnam

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda items 5 and 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 20 April 2000 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit to you a statement* made at the meeting of the Organization of the Islamic Conference Contact Group on Jammu and Kashmir held at the United Nations Office in Geneva on 13 April 2000, along with a memorandum on the situation in Jammu and Kashmir submitted by the true representatives of the Kashmiri people.

I should be grateful if you would have the statement and memorandum circulated as documents of the fifty-sixth session of the Commission on Human Rights, under agenda items 5 and 9.

(Signed): Fahad Awaida AL-THANI
Ambassador
Permanent Representative
Chairman of the OIC Group

* The annex is reproduced as received, in the language of submission only.

Annex

Statement by the representative of the All Parties Hurriyat Conference, Srinagar, at the meeting of OIC Contact Group on Jammu and Kashmir on 13 April 2000 at Geneva

Mr. Chairman,

At the outset I would like to inform the distinguished members of the Contact Group that the four empty chairs are for our four Kashmiri brothers from who were prevented from joining us today by the Indian authorities.

On behalf of the people of Jammu and Kashmir and the All Parties Hurriyet Conference. The people of Jammu and Kashmir, in this dark night of foreign occupation, derive much sustenance from the continuing and steadfast support of the Organization of Islamic Conference to their legitimate cause. We are particularly indebted to the OIC Contact Group on Jammu and Kashmir for the most valuable efforts exerted on our behalf.

Mr. Chairman,

For the last half century, the Kashmiri people have been striving to secure their inherent right to self-determination. This was pledged to us by the UN Security Council in a number of resolutions. We still await for this pledge to be honored. More specifically, we await the Government of India to honour the solemn commitment that it had made to us and the United Nations.

We have no dispute with the people of India. We only wish to determine and shape our own future according to our own wishes.

Mr. Chairman,

The years of procrastination by India ultimately compelled the Kashmiri people to launch a political movement. It was spontaneous, indigenous and peaceful. The year 1989 was a watershed in the struggle against Indian occupation.

By their very nature the Kashmiri people are peaceful. But, the Government of India chose to respond to our peaceful movement through the use of overwhelming and brute force. The massacre of over 200 Kashmiris on May 22, 1990 when Indian occupation forces opened fire at the funeral procession of Shaheed Maulvi Mohammed Farooq catalyzed the Kashmiri movement. This tragic event marked a major turning point in our struggle.

Mr. Chairman,

India has since then intensified its ruthless campaign of repression against the

Kashmiri people. As of now there are more than 700,000 Indian military and paramilitary troops in Kashmir, constituting the Indian army of occupation in Kashmir. This means that there is one Indian soldier for every seven Kashmiri civilians. Probably never in the history of mankind has such an army been deployed against an occupied people.

This army of occupation has and is committing the most horrendous atrocities against the Kashmiri people with complete impunity.

Thousands of innocent Kashmiris have been killed by these forces and their hired mercenaries. Many more suffer the rigors of imprisonment. Extra-judicial killings, fake encounters, custodial deaths, involuntary disappearances, torture and arbitrary detentions are common place.

Even our women, children and our weak and old elders have not been spared from the draconian measures imposed against our people. Rape is used as an instrument of suppression. It is with the intention to shame us into submission by violating the honour of our women.

Mr. Chairman,

India calls us terrorists. Yet it is India itself that is guilty of the worst terrorism in Kashmir. It is running an army of hired killers in parallel with its occupation army. These killers have been raised specifically to commit massacres for which then the Kashmiri freedom fighters are blamed. The latest such incident is the massacre of 36 Sikhs in Indian Occupied Kashmir timed to coincide with the visit of President Clinton. This was a naked attempt to malign the Kashmiri freedom struggle. Kashmir has always been a harmonious, multicultural, multi-ethnic and multi-religious society. If we Kashmiris can help it will remain so. We condemn human rights violations against all Kashmiris regardless of whether they are Muslims or Hindus or Sikhs or Buddhists.

Mr. Chairman,

Notwithstanding India's policy of naked force, we people remain firm in our resolve to free our land from forcible occupation. Our determination has not diminished.

The Government of India should be under no illusion whatsoever on this count.

We urge the international community to take serious cognizance of the gross and systematic violations of human rights of the Kashmiri people by Indian occupation forces. The international community must effectively intervene in this tragic situation.

We only seek to peacefully exercise our inherent right to self-determination. Any solution to the Kashmir dispute must be on the basis of the legitimate aspirations

of the people in accordance with the relevant United Nations resolutions.

We urge the resumption of a genuine and meaningful dialogue between India and Pakistan in the hope that it would facilitate a just and fair settlement of the Kashmir dispute. This process must include the genuine leadership of the Kashmiri people - All Parties Hurriyat Conference. We hope Government of India will see reason and accept the futility of its present policy to seek a military solution to what is essentially a political issue.

Mr. Chairman,

We appeal to the Islamic Ummah to continue to bear pressure on Government of India to put an immediate end to the atrocities being committed against the Kashmiri people. We urge the OIC contact Group to continue their most valuable efforts on our behalf. We ask the Organization of Islamic Conference to further extend assistance and support to the suffering people of the disputed territory of Jammu and Kashmir.

We are confident that, with the crucial support of the Ummah to our just struggle, our sacrifices shall not be in vain.

Thank you.

Memorandum by the true representatives of the Kashmir people to the OIC contact group on Jammu and Kashmir during the 56th session of Commission on Human Rights, Geneva, 13 April 2000

We, the Representatives of oppressed Kashmiri people:

Recalling the relevant resolutions of the United Nations Security Council and also United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, upholding the right to self-determination of the people of Jammu and Kashmir.

Recalling all resolutions relating to Jammu and Kashmir of the OIC Summit and Ministerial Conferences.

Welcoming the historic Special Declaration of the Extraordinary Session of the Islamic Summit Conference, on Jammu and Kashmir, adopted on 23 March 1997.

Further welcoming the reaffirmation of the commitment of the OIC and its Member States as reflected in the Tehran Summit Declaration of 11 December 1997 and the 26th Islamic Conference of Foreign Ministers held in July 1999 at Burkina Faso, to promote a just and peaceful solution of the Jammu and Kashmir dispute in accordance with the relevant resolutions of the United Nations Security Council and their support to the fundamental human rights of the Kashmiri people, including their right to self-determination.

Expressing deep gratitude to the OIC and its Member States for their unequivocal support for Kashmiris right to self-determination and for their condemnation of the repression and massive human rights violations in Indian occupied Jammu and Kashmir.

Rejecting Indian efforts to impose farcical elections as they are not a substitute to the freely exercised right of the Kashmiri people to self-determination.

Affirming that any agreement on Jammu and Kashmir should be on the sole basis of the aspirations of the Kashmiri people as provided by the relevant UN Security Council Resolutions.

Condemn the serious crimes and human atrocities, massacre, extra-judicial killings, custodial deaths, reprisal killings, arbitrary detention, torture, burning of houses, villages and townships and use of rape as an instrument of suppression by the Indian government through its military and para-military personnel, renegades and mercenaries which have claimed more than 70,000 innocent lives in Jammu and Kashmir during the last ten years

Condemns also the recent massacre of 36 Kashmiri Sikhs and calls for an international inquiry into the killings to bring the culprits to justice.

Further condemn the destruction and desecration of Islamic holy places in occupied Kashmir by Indian forces.

Reaffirm their full rejection of farcical elections imposed by India in occupied Kashmir.

Support the efforts of the Government of Pakistan in seeking a peaceful solution of Jammu and Kashmir dispute, keeping in view the aspirations of the Kashmiri people through all possible means, including a substantive meaningful and sustained dialogue with the Indian Government.

Resolve that:

(a) The people of Jammu and Kashmir shall continue their struggle for the realization of their right to self-determination as promised to them by the

international community through the United Nations Security Council resolutions.

(b) The will of the people of Jammu and Kashmir expressed through a free and impartial plebiscite conducted under the auspices of the UN constitutes the sole and primary basis for the settlement of the Jammu and Kashmir dispute.

Urge the members of the Commission on Human Rights to:-

a) Demand that India withdraw its army of occupation from Jammu and Kashmir, fulfil its promise of holding a free and fair plebiscite in Jammu and Kashmir under UN auspices in accordance with the relevant UN Security Council resolutions and the United Nations Commission on India and Pakistan resolutions of 13 August 1948 and 5 January 1949.

b) Call on India to give concrete shape to the commitments made by it in order to secure the early settlement of the Jammu and Kashmir issue on the basis of the wishes of the Kashmiri people as stipulated by the relevant UN Security Council resolutions.

c) Stress upon the Indian government to put an end to state-terrorism; desist from genocidal repression that tantamounts to ethnic cleansing in Jammu and Kashmir; halt the practice of "crackdowns" on Kashmiris villages and urban areas; remove military pickets and troops from Kashmiri towns and villages and fully respect the religious sentiments of the Kashmiri people.

d) Impress upon the Indian government to allow full access to the thematic special rapporteurs on human rights and international human rights organizations and agree to the stationing of impartial human rights monitors in Indian occupied Jammu and Kashmir.

e) Impress upon the Indain Government to release the Kashmiri leadership and support that leaders of All Parties Hurriyat Conference and Kashmiri Human Rights activists should be declared as "Internationally Protected Persons".

f) Support that the right of travel of Kashmiri people and the leaders of the All Parties Hurriyat Conference should be guaranteed and protected.

(g) Extend all possible humanitarian assistance to the suffering people of Kashmir.

(h) Encourage the ICRC to play a more active role, including humanitarian help to Kashmiri widows and children.

Appeal to all peace loving people and the nations of the world to help and support the people of Jammu and Kashmir in their struggle for realization of their right to self-determination as promised to them under the relevant UN Security Council Resolutions.

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 17 (a)

PROMOTION AND PROTECTION OF HUMAN RIGHTS

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Letter dated 26 April 2000 from the Permanent Representative of Indonesia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

On behalf of the delegations listed in annex 2,* I have the honour to request that the joint statement attached as annex 1* be circulated as an official document of the fifty-sixth session of the Commission on Human Rights under agenda item 17 (a).

(Signed) N. Hassan WIRAJUDA
Ambassador
Permanent Representative

* The annexes are reproduced as received, in the language of submission only.

Annex 1

JOINT STATEMENT ON THE QUESTION OF THE DEATH PENALTY

(List of Co-sponsoring Delegations as in Annex 2)

We would like to place on record our disassociation from Commission on Human Rights resolution E/CN.4/2000/L.81 on the question of the death penalty for the following reasons:

(a) There is no international consensus that capital punishment should be abolished. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights states that "sentence of death may be imposed only for the most serious crimes". This view was reflected in the joint statement contained in the document E/1999/113, in which 50 delegations disassociated themselves from a Commission on Human Rights resolution 1999/61. This view was also reflected in the joint statement contained in the ECOSOC document E/1998/95 in which 54 delegations disassociated themselves from the Commission on Human Rights Resolution 1998/8, the joint statement contained in document E/1997/106 in which 34 delegations disassociated themselves from a similar Commission on Human Rights resolution 1997/12 and the joint letter contained in document E/CN.4/1998/156 in which 51 delegations expressed their reservations prior to the adoption of the Commission on Human Rights resolution 1998/8.

(b) At the 54th UNGA in New York, a large majority of delegations disapproved of a draft resolution on the death penalty tabled by the EU. As a result, its co-sponsors decided to withdraw the EU draft resolution. Since this was the situation in the UNGA, which is the main deliberative organ of the United Nations composed of all UN member states, we see no reason why the EU should raise the issue again at the Commission of Human Rights, which is a subsidiary body comprising only 53 members.

(c) In his statement to the plenary of the Rome Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, the President of the Conference

declared that the debate at the Conference on the issue of which penalties should be applied by the Court showed that there is no international consensus on the inclusion or non-inclusion of the death penalty, and further that not including the death penalty in the Rome Statute would not in any way have a legal bearing on national legislations and practices with regard to the death penalty, nor should it be considered as influencing, in the development of customary international law or in any other way, the legality of penalties imposed by national systems for serious crimes.

(d) Capital punishment has often been characterised as a human rights issue in the context of the right of the convicted prisoner to life. However, this must be weighed against the rights of the victims and the right of the community to live in peace and security.

(e) Every State has an inalienable right to choose its political, economic, social, cultural and legal systems, without interference in any form by another State. Furthermore, the purposes and principles of the Charter of the United Nations, in particular, Article 2, paragraph 7, clearly stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. Accordingly, the question of whether to retain or abolish the death penalty should be carefully studied by each State, taking fully into account the sentiments of the people and the state of crime and criminal policy. It is inappropriate to make a universal decision on this question or to propose such action in the forum of an international organisation.

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Annex 2

List of co-signatories: Joint Statement on the Question of Death Penalty

1 Antigua and Barbuda
2 State of Bahrain
3 People's Republic of Bangladesh
4 Barbados
5 Brunei Darussalam
6 Republic of Burundi
7 People's Republic of China
8 Arab Republic of Egypt
9 State of Eritrea
10 Republic of Ghana
11 Republic of Guyana
12 Grenada
13 Republic of Fiji
14 Republic of Indonesia
15 Islamic Republic of Iran
16 Republic of Iraq
17 Jamaica
18 Japan
19 Hashemite Kingdom of Jordan
20 Republic of Kenya
21 Democratic People's Republic of Korea
22 State of Kuwait
23 Republic of Lebanon
24 Republic of Liberia
25 Socialist People's Libyan Arab Jamahiriya
26 Malaysia
27 Republic of Maldives
28 Islamic Republic of Mauritania
29 Mongolia
30 Union of Myanmar
31 Sultanate of Oman
32 Republic of the Philippines
33 State of Qatar
34 Republic of Rwanda
35 Saint Lucia
36 Saint Kitts and Nevis
37 Kingdom of Saudi Arabia
38 Republic of Sierra Leone
39 Republic of Singapore
40 Republic of the Sudan
41 Republic of Suriname
42 Kingdom of Swaziland

43 Arab Republic of Syria
44 United Republic of Tanzania
45 Thailand
46 Republic of Togo
47 Republic of Trinidad and Tobago
48 United Arab Emirates
49 Socialist Republic of Vietnam
50 Republic of Yemen
51 Republic of Zimbabwe

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COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Agenda item 18

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Letter dated 27 April 2000 from the Permanent Representative of Ecuador to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I would be most grateful if you could arrange for the circulation as an official document of the fifty-sixth session of the Commission on Human Rights, under agenda item 18, of the Conclusions and Framework of Technical Cooperation for the Promotion and Protection of Human Rights in Latin America and the Caribbean*, adopted by the regional meeting of the Group of Latin American and Caribbean countries, held in Quito from 29 November to 1 December 1999. The originals of the above-mentioned documents are on file in the Office of the High Commissioner for Human Rights.

(Signed) Luis GALLEGOS-CHIRIBOGA
Ambassador
Permanent Representative

* The annex is reproduced as received, in English only.

Annex

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

CONCLUSIONS OF THE WORKSHOP ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE LATIN AMERICAN AND CARIBBEAN REGION

Representatives of Governments of the Latin American and the Caribbean Region, observers representing National Human Rights Institutions, United Nations regional and sub-regional organizations and NGOs participating in the workshop on the promotion and protection of human rights, held in Quito, Ecuador, from 29 November to 1 December 1999 :

Reaffirming the universality, indivisibility, interdependence and interelatedness of all human rights – civil, cultural, economic, political, social including the right to development.

Recalling the Vienna Declaration and Programme of Action which identified steps whereby States would improve the promotion and protection of human rights and the agreed conclusions in the ECOSOC session in 1998.

Recognizing that cultural diversity co-exists with many common and shared values and goals in such a vast region.

Recognizing the importance of National Action Plans for the promotion and protection of human rights as recommended by the Vienna Declaration and Programme of Action.

Expressing appreciation for the contributions of National Human Rights Institutions in the region and in particular for their special contribution in the promotion and protection of human rights.

Recognizing the important contribution made by non-governmental organizations and other actors of civil society in the promotion and protection of all human rights.

Mindful of the importance of human rights education within the UN Decade for human rights education as an effective strategy for the prevention of human rights violations and for creating a culture of peace and human rights in this region.

Recognizing the need to develop effective strategies for the implementation of the right to development as well as economic, social and cultural rights in the region, keeping into account national conditions, the international context and international cooperation.

Recognizing the importance in the promotion and protection of rights of women and the introduction of a gender perspective in public policies and technical cooperation programmes.

Recognizing also the need for fullest protection and promotion of the rights of children, indigenous peoples, as well as those of other vulnerable groups.

Commemorating the 30th Anniversary of the American Convention on Human Rights and the 20th Anniversary of the Inter-American Court on Human Rights, recognise the contribution of the Inter-American Human Rights System in the realization of these rights.

Recognizing the importance of technical cooperation in the field of human rights and the exchanging of experiences for the strengthening of national human rights capacities for the promotion and protection of human rights in the region.

Hereby:

Recognize the importance of developing and strengthening national capacities for the promotion and protection of human rights, in accordance with national conditions and benefiting from regional cooperation and the sharing of experiences.

Recognize the desirability of developing national human rights plans of action and invites all Governments which have not already done so to consider initiating action to develop a national human rights plan of action, in accordance with their national priorities and through a process of consultation with national entities.

Express appreciation to the Government of Ecuador for hosting this workshop on the promotion and protection of human rights in the Latin American and the Caribbean Region and for the statement made by H.E. Mr. Benjamin Ortiz Brennan, Ministry of Foreign Affairs of Ecuador.

Express appreciation to the OHCHR for the organization and conducting of the Workshop.

Commend the discussions held during the workshop on :

- National plans of action for the promotion and protection of human rights and the strengthening of national human rights capacities;
- National institutions for the promotion and protection of human rights;
- National Human Rights Education;
- Strategies for the realization of the right to development and economic, social and cultural rights;
- Promotion of children, women, indigenous people rights, as well as those of vulnerable groups.

Affirm that regional workshops, which enable an exchange of information and experiences, are valuable in enhancing regional cooperation and strengthening national capacities in the field of human rights.

Recognize that the implementation of national human rights plans of action significantly advances the promotion and protection of the human rights and that broad national participation has a key role in the development, implementation and evaluation of national human rights plans of action.

Call upon the Office of the High Commissioner for Human Rights to continue to make available upon request by State Members, appropiate resources, technical assistance and advisory services for the purposes of facilitating the elaboration and the implementation of national human rights plans of action and the development of national human rights capacities.

Adopt a framework for cooperation in the Latin American and Caribbean Region and commit themselves to implementing the following regional, sub-regional and national activities as set out in the Annex to these Conclusions and commit themselves to meet next year in a date to be determined following consultations with the Governments of the region, with a view to reviewing progress made in the implementation of the regional framework.

Done in Quito, 1 December 1999

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

FRAMEWORK OF TECHNICAL COOPERATION PROGRAMME IN LATIN AMERICA AND THE CARIBBEAN FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

I. BASIC PROJECT INFORMATION

Region: Latin America and the Caribbean

Project Title: Strengthening of National Capacities for the Promotion and Protection of Human Rights in Latin America and the Caribbean

Initial duration: 1 year

Implementing Agency: Office of the High Commissioner for Human Rights (OHCHR) and Governments in cooperation with international and regional organizations, sub-regional and national institutions and NGOs.

Total estimated budget: $880,000 (excluding 13 per cent programme support costs)

Source(s) of funding: - Regular budget, Voluntary Fund for Technical Cooperation in the area of Human Rights; In-kind contributions by host countries of programme activities and other funds within the system.

II. CONTEXT AND BACKGROUND

At the request of Member States, this document is intended to provide a framework for the regional technical cooperation programme discussed during the Regional Workshop held in Quito, Ecuador, from 29 November to 1 December 1999. The areas of cooperation proposed in this document draw on the discussions held during the Quito Workshop as well as on the experience of OHCHR in the context of its activities in Latin America and the Caribbean.

An annual inter-governmental workshop for the promotion and protection of human rights in the Latin America and Caribbean region should be the key forum for discussion of initiatives for regional cooperation, including through the OHCHR technical cooperation programme. A progress report on technical cooperation activities should be made available by the OHCHR to future workshops so that Member States can assess the progress made in implementing the programme and provide further direction.

The Permanent Missions in Geneva of the Latin American and Caribbean countries may regularly hold meetings with a view to take stock of the activities within the region.

III. LONG TERM OBJECTIVE

At the request of Member States, the programme will contribute to the development and strengthening of national capacities for the promotion and protection of human rights in Latin America and the Caribbean and be a means of facilitating the development and implementation of national human rights action plans.

The Programme will contribute to promote the ratification of international human rights instruments with a view to ensuring the enjoyment of human rights by all segments of the Latin American and Caribbean society.

IV. AREAS OF TECHNICAL COOPERATION AND SPECIFIC OBJECTIVES

1. National Plans of Action for the Promotion and Protection of Human Rights and the Strengthening of National Capacities ($160,000)

Objective:

At the request of Member States, national capacities will be strengthened in order to develop, implement and evaluate national plans of action for the promotion and protection of human rights.

Activity (a): Preparation of a Compendium of existing practices and national experiences in connection with national plans of action for human rights in Latin America and the Caribbean;

Activity (b): At the request of Member States, the OHCHR will provide technical cooperation and advisory services* for the development, implementation and evaluation of national action plans and related activities aimed at strengthening national capacities;

Activity (c): Holding of intergovernmental meetings at a regional or subregional** level with the participation of representatives of national institutions and NGOs, to share best practices and difficulties in the development, implementation and evaluation of national action plans.

2. Human Rights Education ($150,000)

Objective:

At the request of Member States, national capacities will be strengthened to develop, implement and evaluate national plans of action and other activities for human rights education.

Activity (a): Preparation of a Compendium of existing national plans of action and specific programmes or activities for human rights education in Latin America and the Caribbean;

Activity (b): At the request of Member States, the OHCHR will provide technical cooperation and assistance* for the development of national capacities for human rights education, including the holding of workshops to consider such activities;

Activity (c): Holding a regional intergovernmental workshop** with the participation of representatives of national institutions and NGOs to share best practices and difficulties n the development of national action plans and related activities;

3. National Institutions for the Promotion and Protection of Human Rights ($200,000)

Objective:

At the request of Member States and national institutions for the promotion and protection of human rights, capacities of national human rights institutions (or potential capacities of those in the process of being established) will be strengthened - including their capacity to promote and protect all human rights and incorporating a gender perspective.

Activity (a): Preparation of a Compendium of existing practices and experiences in connection with national human rights institutions in Latin America and the Caribbean;

Activity (b): At the request of Member States and national institutions for the promotion and protection of human rights, the OHCHR will provide technical cooperation and assistance* for the development/strengthening of any such institution;

Activity (c): Holding in cooperation with national institutions and Member States, regional and/or subregional workshops on the role and functions of national institutions in the promotion and protection of all human rights.

4. Strategies for the Realization of the Right to Development and Economic, Social and Cultural Rights ($190,000)

Objective:

At the request of Member States, obstacles to the realization of the right to development and economic, social and cultural rights will be identified in the regional or sub-regional context and national and regional capacities for the promotion and realization of those rights will be strengthened.

Activity (a): Holding of a regional intergovernmental workshop** with the participation of national economic planning authorities, international development and financial institutions as well as development cooperation experts where obstacles to the realization of those rights in Latin America and the Caribbean will be identified and relevant action to strengthen national capacities and encourage international cooperation for the promotion and realization of those rights will be proposed.

Activity (b): At the request of Member States, the OHCHR will provide technical cooperation and assistance* for the development, implementation and evaluation of policies, programmes and activities in these areas.

5. Promotion of the rights of women and other vulnerable groups ($ 180,000)

Objective:

At the request of Member States, obstacles to the realization of the rights of women and other vulnerable groups will be identified in the regional context and national and regional capacities for the promotion and realization of those rights will be strengthened.

Activity (a): Holding of a regional workshop** with governments, and/or national workshops* at a national or sub-regional level, at the request of Member States, with the participation of national institutions, judges and lawyers, international, regional and sub-regional organizations and NGOs and experts in these areas with a view to identifying obstacles to the realization of those rights in Latin America and the Caribbean and propose relevant action to strengthen national capacities for the promotion and realization of those rights.

Activity (b): At the request of Member States, the OHCHR will provide technical cooperation and assistance* for the development, implementation and evaluation of policies, programmes and activities in these areas.

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* *Activities at the national level are not costed.*

** *Venues of regional workshops will be determined in consultation with Member States.*

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Fifty-sixth session
Agenda item 17 (b)

PROMOTION AND PROTECTION OF HUMAN RIGHTS

HUMAN RIGHTS DEFENDERS

Letter dated 28 April 2000 from the Permanent Representative of Indonesia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to convey to you, in my capacity as the Coordinator of the Asian Group, the following specific matter:

"The Asian Group is constrained to bring to the attention of the Commission an incident which we view with great concern. During the Commission's debate in plenary under agenda item 17 (b), an observer State made baseless allegations against some members of the Asian Group without verifying the sources. We were given to understand that this observer State would take steps to remedy this unfortunate situation. We regret that this has not been done so far. We believe that such baseless statement undermines the credibility of this Commission."

I have also the honour to request that this letter be circulated as an official document of the fifty-sixth session of the Commission on Human Rights.

(Signed) N. Hassan WIRAJUDA
Ambassador
Permanent Representative

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Note verbale dated 28 April 2000 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the Office of the High Commissioner for Human Rights

The Permanent Mission of the Republic of Cuba to the United Nations Office and other International Organizations with headquarters in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (secretariat of the Commission on Human Rights) and has the honour to refer to the comments made by the Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan, and later published in document E/CN.4/2000/151 in reference to the comments of the Cuban authorities contained in document E/CN.4/2000/131 on the report on the visit to Cuba by the Special Rapporteur on violence against women, its causes and consequences.

The Permanent Mission of the Republic of Cuba has pleasure in attaching herewith the Cuban Government's comments on the note by the secretariat referred to in the preceding paragraph.

The Mission has the honour to request, in accordance with its rights as a State Member of the United Nations, that its comments* should be issued as an official document of the fifty-sixth session of the Commission on Human Rights in conformity with item 12 (a) of the Commission's agenda, "Violence against women", under which the note by the secretariat was issued.

* The annex is reproduced as received, in the language of submission and in English only.

Annex

Comments by Cuba on the note by the Secretariat contained in document E/CN.4/2000/151 of the fifty-sixth session of the Commission on Human Rights under agenda item 12 (a), "Violence against women"

The Government of the Republic of Cuba is surprised at how quick the secretariat was to refer to document E/CN.4/2000/131, which contains the arguments and facts reported by Cuba in respect of the anomalies that occurred and manipulation by officials of the Office of the High Commissioner for Human Rights in relation to the report of the Special Rapporteur on violence against women on her visit to Cuba.

The haste with which the comments by the secretariat were issued and published show that no serious and exhaustive investigation was conducted into the matters raised by the Government of Cuba. The secretariat also did not promise to conduct an investigation in future, as would be warranted by the serious irregularities to which Cuba drew attention.

On the contrary, document E/CN.4/2000/151 does no more than make excuses, contains no facts or arguments, does not refer to the substance of the points Cuba made and does not say whether the facts Cuba referred to are true or not.

The secretariat should be concerned not about matters of form and procedure in relation to the information provided by Cuba on internal manipulation, but about transparency and the full observance by its staff of the principles of universality, objectivity and non-selectivity in the consideration of the human rights issues which were agreed on by the international community in the Declaration and Programme of Action of the World Conference on Human Rights held in Vienna in 1993 and which have been reiterated in United Nations General Assembly resolutions.

The Office should also be concerned about the full application of United Nations rules and regulations in relation to the role of its staff.

The legal advice to which the note by the secretariat refers may be valid within the secretariat, but it is not at all applicable to the Government of Cuba, which is not subject to such internal regulations and has the right to defend itself, seek and make the truth known and require compliance with the principles that should govern the conduct of special rapporteurs and Secretariat staff.

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Fifty-sixth session
Agenda items 5 and 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 28 April 2000 from the Permanent Representative of India to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

We have seen a letter of 20 April 2000 addressed to you by the Permanent Representative of Qatar transmitting a statement made at the meeting of the Organization of the Islamic Conference (OIC) Contact Group on Jammu and Kashmir on 13 April along with the Memorandum submitted to this Group by the self-styled "True Representatives of the Kashmiri people".

The OIC Contact Group has no locus standi to circulate papers on the internal affairs of my country.

In a democracy, representatives of the people can only be elected by the people themselves; they can neither be self-appointed nor designated by foreign countries. It is highly ironical that an organization supported and sustained by the terrorist activities of its foreign mentors claims to represent the people in a state of India. The State of Jammu and Kashmir has a popularly elected government, which enjoys the mandate of the people of Jammu and Kashmir.

The Government of India totally rejects the baseless allegations contained in the statement and the memorandum referred to above.

I would like to request that this letter be circulated as an official document of the fifty-sixth session of the Commission on Human Rights under agenda items 5 and 9.

(Signed) Savitri Kudani

Ambassador
Permanent Representative